

**MINUTES OF THE
HOLLADAY CITY COUNCIL MEETING**

**Thursday, May 22, 2014
Mt. Olympus Room
4580 South 2300 East
Holladay UT 84117**

BRIEFING SESSION - 5:30 p.m.

ATTENDANCE

Rob Dahle, Mayor
Lynn Pace
Patricia Pignanelli
J. James Palmer, Jr.
Steve Gunn
Sabrina Petersen

City Staff,
Randy Fitts, City Manager
Paul Allred, Community Development Dir.

Mayor Dahle called the Briefing Session to order at 5:40 p.m. The City Council reviewed and discussed the agenda items. They Council discussed the fireworks ordinance and potential map modifications were discussed as well as legal issues. It was reported that the City is less restrictive than both Cottonwood Heights and Taylorsville in this regard. Noticing and action issues were discussed. It was noted that the governor has recommended that cities and towns consider a ban on fireworks.

The Beekeeping Ordinance was next discussed. City Attorney, Craig Hall, and Council Member Gunn were in contact with Dave Richards who has a swimming pool. His neighbor has a backyard with beehives, which creates conflicts that he would like to resolve. Language was provided to Council Member Petersen from Salt Lake City that Mr. Hall recommended be included in the ordinance. He also suggested that the Council give consideration to requiring a neighbor who plans to have hives inform his neighbors. Council Member Petersen expressed concern with people getting bees who know very little about them. She also recommended that there be setbacks from property lines. Nuisance issues were discussed.

**MINUTES OF THE
HOLLADAY CITY COUNCIL MEETING**

**Thursday, May 22, 2014
Mt. Olympus Room
4580 South 2300 East
Holladay UT 84117**

Council Meeting - 6:00 p.m.

ATTENDANCE

Mayor Rob Dahle
Lynn Pace
Patricia Pignanelli
J. James Palmer, Jr.
Steven Gunn
Sabrina Petersen

City Staff
Craig Hall, City Attorney
Paul Allred, Community Development Dir.

I. *Welcome*

Mayor Dahle conducted and called the meeting to order at 6:02 p.m.

II. *Pledge of Allegiance*

The Pledge of Allegiance was led by Scout Troop 507.

III. *Public Comments*

Dave Richards -2755 Wren Road. He was present to discuss the bee ordinance and stated that he built his home four or five years ago and put in a pool. This year his neighbor got some beehives. Over time they found numerous dead bees on their pool cover and it had a greater impact than first realized. He questioned what the restrictions are on the number of bees a person can keep, where the hives can be located, and if there is a notification process in place. Mr. Richards felt there was some public concern with bringing additional bees into the community. He contacted The Salt Lake Valley Health Department who indicated that pools and bees are often in conflict because bees like the minerals and water found in pools. One solution was for there to be a water source in the hive in addition to a mineral water source, thereby reducing the number of bees congregating around the pool. Mr. Richards stated that Salt Lake City's ordinance includes a few items that the Holladay ordinance does not. For example, there is a required setback from the property line. He thought there could be some advantages to that. He hoped to find a way to resolve any problems before they arise.

IV. *Consideration of Ordinance 2014-07 Adopting Restrictions on the Use of Fireworks within Certain Areas of the City with Conditions*

Fire Chief Slack provided the Council with a map showing the recommendations and described the background and justification. A few areas of the City were highlighted where the restriction was recommended. They were based on topography and access. A small portion was based on the history of where there have been issues in the past. One of the biggest issues with fireworks was how quickly fires spread in certain areas, particularly where there is a lot of undergrowth. Areas with steep slopes and a lot of vegetation also create problems and use a lot of resources.

With respect to the Spring Creek Area between Wallace Lane and Holladay Boulevard, the intent was to restrict fireworks in the slopes of the creek. Another area highlighted was the I-215 right-of-way which is sloped with a lot of dry undergrowth. It was recommended that it be brought to the bottom of the right-of-way.

Chief Slack identified the area between Highland Drive and Holladay Boulevard that would go to the south border of the City with the exception of the subdivision between 2300 East on the east and 6200 South on the north. Other areas of concern were discussed as well as enforcement. It was clarified that ground fireworks are allowed in unrestricted areas of the City. No fireworks of any kind will be allowed in the prohibited areas.

Council Member Palmer moved to adopt Ordinance 2014-07.

It was clarified that some of the language needs to be conformed to the map. It was recommended that the ordinance language be modified and the Spring Creek and Big Cottonwood Creek corridors highlighted on the map with a note specifying that fireworks are prohibited within 100 feet of the creek. Changes were made to the map and Paragraph B.

Council Member Petersen seconded the motion. The Council roll call vote was as follows: Council Members Pace, Petersen, Pignanelli, Gunn, Palmer and Mayor Dahle voted in favor. Ordinance 2014-07 was adopted with a unanimous vote.

V. Consideration of Ordinance 2014-08 Amending Title 8 and Title 13.76.240 with Regard to Beekeeping

Mayor Dahle suggested that based on discussion that occurred during the Work Session and comments made by Mr. Richards that there be additional discussion.

Council Member Petersen moved to adopt Ordinance 2014-08. Council Member Gunn seconded the motion.

Council Member Petersen stated that she shared her concerns during the Work Meeting and considered bees to be different from any other type of animal that is permitted in the City. Bees also have the potential of inflicting major harm to people. She liked the proposed additional language from the Salt Lake City Ordinance requiring neighbors to be notified. She also supported the idea of a setback and asked that specific definitions be added. Council Member Petersen thought the pool situation should be addressed. The benefit of requiring a setback was discussed.

It was suggested that the Council not anticipate addressing all eventualities in the ordinance but instead provide general parameters. The intent was to address situations where beehives become problematic for the neighbors. Nuisance and non-compliance issues were discussed. It was suggested that notice be provided as a courtesy to neighbors although their approval would not be necessary. It was recommended that the vote be postponed until the June 5 meeting and direct Mr. Hall to include the additional language from the Salt Lake City Ordinance and verbiage on nuisance. Notification language could also be added.

Council Member Palmer moved to table adoption of Ordinance 2014-08. Council Member Petersen seconded the motion. The Council voted in the affirmative and Ordinance 2014-08 was tabled for further discussion.

VI. Consent Agenda

a. Approval of Minutes – April 17, 24, 2014, and May 1, 2014.

Council Member Palmer moved that approval of the minutes be placed on the June 5, 2014, consent agenda. Council Member Pignanelli seconded the motion. The Council voted in the affirmative and the motion passed unanimously.

VII. City Manager Report

Manager Fitts reported on the recent City-wide cleanup, which was a success.

VIII. Council Reports

Council Member Pace brought up the issue of annexation. He has received the final feasibility report, which shows that there is no fiscal impact. The next step will be a hearing by the Boundary Commission. The City is paying half the cost and already it is for a minimum of \$10,000. At some point it was recommended that the City issue a formal letter stating that all of their questions have been answered in good faith and withdraw their protest. The Mayor agreed to discuss the matter with the City Manager.

Council Member Gunn expressed an interest in preparing preliminary plans to redraw the district boundaries. He thought that information may have an impact on how members of the Council vote. The Mayor indicated that that information cannot yet be obtained from the County. It was noted that all districts will be affected and likely shift northward.

Council Member Gunn reported on Stratton Park and stated that he has looked at the deed received from UDOT and discovered that the City does not own all of it. UDOT maintained ownership of about one-third of Stratton Park. He has been in contact with UDOT to see if they would be willing to give the City the other one-third. They have not yet responded. The City has also contacted the owners of the two sheds beneath the towers about the possibility of having a driveway that is gravel rather than concrete. There was doubt raised about whether the City needs their consent to put in gravel. The Mayor stated that the City needs to know what the dimensions of the turnaround and gravel areas will be. The intent would be to encourage use of that area. It was noted that the easement covers the entire property.

Council Member Palmer reported on hydrology issues relative to the Knudson study. He stated that volunteers have improved the park path on the Spafford parcel and it looks very nice.

IX. Other Business

X. Adjourn City Council Meeting and Convene to a Work Meeting.

Council Member Pace moved adjourn to a Work Meeting. Council Member Peterson seconded the motion. The Council voted in the affirmative and the Council meeting adjourned at 7:14pm.

WORK MEETING – May 22, 2014

ATTENDANCE

Mayor Rob Dahle
Lynn Pace
Patricia Pignanelli
J. James Palmer - *excused*
Sabrina Petersen
Steven Gunn

City Staff

Randy Fitts, City Manager
Stephanie Carlson, City Recorder
Craig Hall, City Attorney

Mayor Dahle convened the Council in a Work Meeting at 7:22 p.m. in the Mount Olympus Room.

a. Discussion with Salt Lake County Animal Control

Mike Reberg, Salt Lake County Animal Control Director, presented the contract budget for the year of approximately \$95,000, which represents a 5% increase over last year. He stated that an annual report is required as part of the contract. The City began contracting with Salt Lake County in 2010. The City has a full-service contract but they don't pay a full-service price. The increase was intended to put the cost more in line with the actual cost. Mr. Reberg stated that they are a full-service agency and the premiere government shelter in the state and one of the large premiere shelters in the country. In terms of animal service standards, achieving a 90% live release standard is considered no-kill and currently they are at 95% for 2014. They offer a clinic, behaviorists, adoption specialists, and officers in the field.

The cost for a full-time officer would be \$90,000 per year. He asked that the Council consider that when reviewing the cost. In 2013, there were approximately 700 calls generated in the City of Holladay. They are on schedule to be at 650 and 700 officer calls in 2014 as well.

Council Member Pignanelli commented that in her area there are dogs constantly off leash she questioned whether it is being patrolled. Mr. Reberg reported that park patrols are not the highest priority and are conducted when officers are not responding to other calls. Officers can be called, however, when there are issues to be addressed. Council Member Pignanelli asked how funds generated from fines are spent. Mr. Reberg stated that it varies. For a Notice of Violation (NOV) his department collects it. If it is criminal it goes into the court system and revenues are shared with the City of Holladay.

It was reported that the City has a low licensing rate and mobile licensing was proposed in an effort to get more animals licensed. Mr. Reberg stated that in an effort to make it easier for seniors to license their animals, the possibility of licensing animals at the senior center was proposed. It would, however, be open to all. Nuisance issues were discussed. Mr. Reberg stated that the industry standard for licensing is 22 to 25 percent. The City of Holladay is only at 14 percent based on population estimates. He felt there was room for improvement in terms of licensing in the City. He stated that Midvale and Holladay are the lowest performers in terms of licensing.

Mr. Reberg described the benefits of an officer and why a 5% increase is a modest request. He stated that rather than having one officer assigned specifically to Holladay, there are 16 officers that provide coverage from 7:00 a.m. to 10:00 p.m. 365 days per year.

Based on the City's 700 calls per year, is not quite one full officer. An average officer does about 900 calls per year. The City is paying approximately the cost of one officer and essentially getting all other services for free. For that reason he thought a small increase was reasonable. Based on their modeling, the estimated cost to the City should be \$184,989 per year. That model is used when requests for increases are sent out. Mr. Reberg reported that Herriman City, which is approximately the same size as Holladay pays \$184,000 per year.

The TNR (Trap, Neuter, and Release) program was described. Mr. Reberg stated that the program has allowed them to move toward a no-kill status. They went from an 82% live release rate in 2012 to a 91.5% live release rate in 2013. This year across all jurisdictions they have exceeded 90%. Mr. Reberg stated that they have seen a decline in the overall animal population. This year cat and dog populations in shelters are down.

Council Member Pace commented that the City's biggest animal control problem is rats and he has raised the issue with Animal Control and was told that they don't do rats. He was concerned that they are ignoring the City's greatest need. Mr. Reberg stated that the state classifies raccoons and rats as wild pests and there are private companies who can assist the City. He stated that the County does its best to not compete with the private sector and they don't have the expertise to handle that type of situation.

There was some question as to whether the City can reduce the cost by paring down the services received. Mr. Reberg argued that based on his modeling, the City is paying half what it should. Paring down the services would not change the dynamic in his opinion. Possible options were discussed. Mr. Reberg expressed appreciation on behalf of the County for the partnership they have and invited the Council Members to contact him with any questions or concerns.

b. Discussion on Proposed Amendments to the Holladay Village and ORD Zones.

The proposed amendments were reviewed and discussed. Community Development Director, Paul Allred, stated that the Planning Commission and staff were asked by the Council to look at the three-story versus the two-story. He remarked that there are some areas in the Village language that could be tightened up. Staff also felt there were clarifications that could be made to both the appendix and the language.

Mr. Allred commented on the ground floor retail requirement and stated that the map and language are pretty hard and fast. There have been some problems for which staff believed there were reasonable fixes for. Another option was to amend the map. The matter will be on June 17, 2014, Planning Commission Meeting.

c. Discussion on Proposed Telecommunications Ordinance.

The Council was asked to provide a list of all illegal activities taking place in the City in order to monitor them. It was stated that most cities have an ordinance that allows for public utilities to place their service in the street.

d. Discussion on Planning Commission Appointments.

Mr. Allred reported on potential Planning Commission Members. In District 2 a replacement is needed for Brad Wright, who resigned. The possibility of appointing a woman to serve on the Commission was discussed. John Garver (District 3) and Matt Snow's (District 4) terms expire in June. They could be reappointed. Mr. Allred stated that currently there is no alternate member. In District 5, Lori Khodadad's term will expire this summer. Council Member Palmer suggested Jim Carter. Council Member Gunn recommended that Mike Frei be considered as an alternate member.

e. Update on City Hall and City Park.

The Council discussed the City Park. The Mayor stated that there was some discussion about the intent to maximize and use the green space only to have it interrupted by a sidewalk in the middle, which seemed counterproductive. The second issue was the ball field and fencing. Details and possible options were discussed. Council Member Petersen's preference was to see the playground installed this year. Other improvements could wait until next year.

The Council discussed repositioning elements of the park plan to make more efficient use of the space, in particular in the ball fields. Council Member Gunn expressed concern about making changes to the plan without adequate review. Others felt there were minor modifications and that the park is a "conceptual" document that does not need to be overly specific. The Council discussed budgeting for park improvements that include City Hall, the Casto Home, Fire Station demolitions, grading, berming, sodding, and sprinklers.

f. Budget Discussion for 2014-15.

The intent tonight is to review the budget and the capital expenses budget. Changes made to the budget were reviewed and discussed. It was recommended that someone be hired on a part-time basis to handle marketing issues for the City. He thought this would be very helpful.

The final numbers for UFA came at a 4.16% increase. In the parks department there was discussion about bringing on another employee due to concerns that they would not be enough work to keep them busy in the winter.

Manager Fitts explained that after the bills are paid the money that is left over is used to fund projects. This year there will be \$1.5 million as opposed to last year's \$2 million. Tax and total revenue figures were discussed as well as property tax issues. The Council also discussed the Municipal Energy Tax. If taxes are not increased this year, the Council will have to consider allocating \$1.4 million in the Capital Fund.

Personnel issues and proposed changes were discussed. The Mayor commented that the total increases do not take into account that a position was eliminated.

The Mayor recommended that as much money as possible be put into the City Hall project in order to get as much of it completed this year as possible. It is something the residents notice and can see progress. Other projects and upcoming expenditures were discussed.

Storm drain issues were discussed. The problem with storm drains was that the City is reactive and there is not enough money set aside this year but there will be next year. The goal is to be

prepared so that when a situation arises, the City has money to address it. Grant issues and water issues were discussed.

The question was raised as to whether the Chamber is needed. Mr. Fitts agreed that if the City is not getting positive results they should take action and reallocate the funds elsewhere. There was some question as to the Chamber's vision. The Mayor suggested reducing the City's participation. Marketing efforts were discussed.

The Tree Committee was discussed. Work done by the Tree Committee was described such as planting numerous trees including some in park strips. The Council needs to notify the Tree Committee of its priorities. The intent would be to encourage people create and preserve tree-lined streets.

EDA and RDA issues were discussed. It was proposed that the City market the Millrock property for sale and the property east of Tuscany. Potential uses for the property were discussed. Mr. Fitts stated that the intended use of the Tuscany property was to reduce the cost of the Cotton Bottom, which is a lease. It was clarified that the Tuscany property is part of the bond.

g. Calendar – Schedule of Upcoming Meetings.

- May 29 – Legislative Breakfast – 7:30 to 9:30 a.m.
- June 3 – Scholarship Banquet

It was reported that there will be no scholarships for the Skyline students.

June Meeting Schedule

June meetings were scheduled for the 5, 12, and 19. It was reported that budget approval will likely take place on the June 19 because the certified tax rate might not be received before then.

h. Other Business.

The Mayor reported on the foundation. An accountant will be used to help with the foundation budget. An account needs to be opened at Zions Bank. It was recommended that all four officers be signators so that there are plenty of people to sign.

A potential party and recognition night for Mr. Hall was discussed. It was recommended that the event occur prior to a City Council Meeting on a night when there is adequate time to recognize him.

Council Member Pignanelli inquired about the sewer lateral warranty program. It was reported that Salt Lake City is not providing it. They have researched the issue and are recommending the insurance program for those who desire it. The challenge they have had in Salt Lake is if the lateral breaks between the house and the sewer line, it is the homeowner's responsibility. The cost to repair it is \$15,000 to \$20,000. Council Member Pignanelli stated that ever since the County began announcing that they plan to do it, she has received calls. She questioned whether the City should try to provide it.

Council Member Petersen stated that she was contacted about doing a bike race for the 4th of July. Mr. Fitts did not object to Flynn Cyclery putting on the bike race as long as they cover the costs. The City, however, will not sponsor it.

XI. *Closed Session Pursuant to Utah Code Section 52-4-204 & 205 to Discuss Personnel Issues, Potential Litigation and Property Acquisition and Disposition.*

Council Member Pace moved to go into Closed Session to discuss personnel issues, property acquisition, and disposition. Council Member Palmer seconded the motion. The Council roll call vote was as follows: Council Members Pace, Petersen, Pignanelli, Gunn, Palmer and Mayor Dahle voted in favor. The Council convened in a closed session at 10:38 p.m.

Those in attendance at the Closed Session were: Council Members Pace, Petersen, Palmer, Gunn, Pignanelli and Mayor Dahle. Others present included Randy Fitts.

Minutes of the Closed Session were taken and are now on file as a Protected Record.

Council Member Pace moved to adjourn the Closed Session and reconvene the Work Meeting. Council Member Pignanelli seconded the motion. The Council roll call vote was as follows: Council Members Pace, Petersen, Pignanelli, Gunn, Palmer and Mayor Dahle voted in favor. The motion to go out of closed session at 11:09 p.m. passed with a unanimous vote.

XII. *Adjourn Work Meeting.*

There being no further business, Council Member Palmer moved to adjourn with Council Member Gunn seconding the motion. The Council voted in the affirmative. The meeting adjourned at 11:10 p.m.

I hereby certify that the foregoing represents a true, accurate and complete record of the Holladay City Council meeting held Thursday, May 22, 2014.

Stephanie N. Carlson, MMC
Holladay City Recorder

Robert Dahle, Mayor

Minutes approved: June 12, 2014